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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/445,268	04/03/2000	DANIEL RICHARD SCHNEIDEWEND	RCA89068	9731

7590 05/05/2004

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EXAMINER

DEMICO, MATTHEW R

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 05/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/445,268

Applicant(s)

SCHNEIDEWEND ET AL.

Examiner

Matthew R Demicco

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. This action is responsive to an amendment filed 4/2/04. Claims 1-17 are pending. Claims 1, 6, 9, 11-12 and 17 are amended.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 6, 11, 12, 13, 16 and 17 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,850,218 to LaJoie et al. in view of International PCT Application WO 95/28799 to Lett et al. as disclosed by Applicant.

Regarding Claim 1, LaJoie discloses an apparatus for receiving a plurality of programs comprising a user interface for selecting a program from a plurality of programs and selecting a user action (See Figure 16). LaJoie also discloses a controller, which in response to a first user action for selecting a first program for recording, stores the first program in a first list representing a list of programs to be recorded (Col. 21,

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Lines 15-23). In response to a second user action for selecting a second program for both purchasing and recording, the controller stores the second program on a second list representing a list of programs purchased and also stores the program on the first list (Col. 29, Lines 33-58 and Figures 12 and 13). What LaJoie does not disclose, however, is an on screen user option to both purchase and record the selected program so that a user does not have to select one of purchase and record user options and then select the other user option to purchase and record the selected program. Lett discloses a pay-per-view recording system (See Abstract) wherein a record option is given associated with a pay-per-view event (Page 30, Lines 1-5). If a user selects the record option, the terminal is set to record the proper channel at the proper time (Page 30, Lines 9-10 and 18-19). If the record event is a pay per view event, a purchase sequence must be initiated before the program can be recorded (Page 30, Lines 12-13). The user may be offered a purchase sequence as a result (Page 30, Lines 15-18), which includes entering an access number (See Figure 15). Since a user simply has to select one option and follow the prompts in order to both pay for, and record a pay per view event, this reads on the claimed on screen user option to both purchase and record the selected program so that a user does not have to select one of purchase and record user options and then select the other user option to purchase and record the selected program. Lett is evidence that ordinary workers in the art would recognize the benefits of purchasing and recording a program from a single menu option in an interactive television guide system. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was

made to modify the system of LaJoie with the recording and purchasing option of Lett in order to reduce the complexity of the process and increase ease-of-use for the end users.

Regarding Claim 2, LaJoie in view of Lett disclose a system as stated above in Claim 1. LaJoie further discloses a system wherein the first list includes a timer conflict indication for programs having a timer conflict (Col. 21, Lines 30-42 and Figure 12).

Regarding Claim 3, LaJoie in view of Lett disclose a system as stated above in Claim 1. LaJoie further discloses a system wherein the first list includes a purchase indication for the second program (See Figure 14).

Regarding Claim 4, LaJoie in view of Lett disclose a system as stated above in Claim 1. LaJoie further discloses a system wherein the controller first determines whether there is a timer conflict between the second program and another program on the first list before storing the second program on the first list (Col. 21, Lines 30-55).

Regarding Claim 5, LaJoie in view of Lett disclose a system as stated above in Claim 1. LaJoie further discloses a system wherein the controller prompts a user to resolve the timer conflict if one exists (Cols. 21-22, Lines 55-5 and Figure 12).

Regarding Claim 6, LaJoie in view of Lett disclose an apparatus for processing a program comprising a controller for displaying a first list representing programs selected for recording (See LaJoie Figure 12), displaying a second list representing programs selected for purchasing (See LaJoie Figure 13) and in response to a user selection of a program for both purchasing and recording, automatically entering the program into both lists as stated above in Claim 1. Further disclosed is an on screen user control option for selecting to both purchase and record a program, so that a user does not have to select one

of purchase and record user control options and then select the other user control option to purchase and record the program as stated above in Claim 1.

Regarding Claims 7-10, see Claims 2-5 respectively, as stated above.

Regarding Claim 11, LaJoie in view of Lett disclose an apparatus for processing a program comprising a user interface means for selecting a program from a plurality of programs with an on screen user option to both purchase and record the program so that a user does not have to select one of a purchase and record user options and then select the other user option to purchase and record the selected program as stated above in Claim 1. What is not disclosed, however, is a controller that in response to a user action for canceling a program, removes the program from a first list representing a list of programs purchased and automatically removes the program from a second list representing a list of programs to be recorded. Official Notice is hereby taken that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of LaJoie in view of Lett with such a feature. A user is enabled to add a program to both lists with a single action; therefore, removing a program from both lists through a single action is an obvious modification. It is desirable to do so such that a user does not inadvertently end up recording a channel that they cancelled payment for and subsequently cannot receive.

Regarding Claim 12, LaJoie in view of Lett disclose an apparatus for processing a program as stated above. LaJoie further discloses an on screen display means for displaying a first list representing programs selected for recording (See Figure 11). Further disclosed is a first user control means for selecting to both purchase and record a

program as stated above. LaJoie discloses on screen display means for displaying a second list representing programs selected for purchasing (See Figure 13). What is not disclosed, however, is a second user control means for removing a selected program from said first and second lists and control means that automatically remove the program from the first list in response to the removal of the program from the second list. Official Notice is hereby taken that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of LaJoie in view of Lett with such a feature. A user is enabled to add a program to both lists with a single action; therefore, removing a program from both lists through a single action is an obvious modification. It is desirable to do so such that a user does not inadvertently end up recording a channel that they cancelled payment for and subsequently cannot receive.

Regarding Claim 13, LaJoie in view of Lett disclose a method for processing a plurality of programs comprising the steps of selecting a first program for recording from a plurality of programs, storing the program in a first list, selecting a second program, receiving a selection of a displayed user option for both purchasing and recording of the second program, storing the second program in a second list representing programs purchased, and storing, automatically, the second program in the first list as stated above in Claim 1.

Regarding Claim 14, LaJoie in view of Lett disclose a method as stated above in Claim 13 further comprising the step of determining whether there is a timer conflict between the second program and another program on the first list before storing the second program on the first list as stated above in Claim 4.

Regarding Claim 15, LaJoie in view of Lett disclose a method as stated above in Claim 13 further comprising the step of prompting the user to resolve a timer conflict if one exists as stated above in Claim 5.

Regarding Claim 16, LaJoie in view of Lett disclose a method as stated above. Further, LaJoie discloses selecting a first program for removing from a first list representing a list of programs selected for recording (Col. 22, Lines 54-56). What is not disclosed, however, is selecting a second program for removing from a second list representing a list of programs purchased, determining whether the program appears on the first list and removing, automatically, the second program from the first list if it appears on the first list. Official Notice is hereby taken that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of LaJoie in view of Lett with such a feature. A user is enabled to add a program to both lists with a single action; therefore, removing a program from both lists through a single action is an obvious modification. It is desirable to do so such that a user does not inadvertently end up recording a channel that they cancelled payment for and subsequently cannot receive.

Regarding Claim 17, LaJoie in view of Lett disclose a method as stated above. What is not disclosed, however, is removing, in response to a user command, a program from a first list of programs representing programs scheduled for recording, determining whether the program is also a purchased program, and removing, automatically, the program from a second list of programs representing purchased programs, if the program is a purchased program. Official Notice is hereby taken that it would have been obvious



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to one having ordinary skill in the art at the time the invention was made to modify the invention of LaJoie in view of Lett with such a feature. A user is enabled to add a program to both lists with a single action; therefore, removing a program from both lists through a single action is an obvious modification. It is desirable to do so such that a user does not inadvertently end up paying for a program that they cancelled recording for.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew R Demicco whose telephone number is (703) 305-8155. The examiner can normally be reached on Mon-Fri, 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mrd  
April 26, 2004

  
**VIVEK SRIVASTAVA**  
**PRIMARY EXAMINER**